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EXAMINER

FERTIG, BRIAN E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,883	Applicant(s) TRAMONTANO ET AL.	
	Examiner BRIAN FERTIG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Applicant's filing of 2/19/2008. Claims 1-13 and 15-21 are pending and examined below. Claim 14 is cancelled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-10, 11, 15-17, 12, and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 7, 11, 12 and 15

These claims recite "means for" plus function language. This language invokes the rebuttable presumption that applicant seeks treatment under 35 U.S.C. 112, sixth paragraph. Such treatment requires that applicant clearly identify particular structures or steps within the disclosure as the means for or steps for that applicant intends to claim (see MPEP § 2181). No such clear identification has been found, rendering the claim indefinite. For the purposes of examination below, it is assumed that applicant did not intend to invoke treatment under 35 U.S.C. 112, sixth paragraph. Applicant is advised to explicitly rebut the presumption that 35 U.S.C. 112, sixth paragraph treatment has been invoked, amend the claims to remove the invoking language, or point out language in the disclosure that clearly identifies the particular structures or steps applicant intends to claim.

With respect to claims 8-10, 16-21

These claims are rejected for incorporating the subject matter rejected above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2004/0064373 for Shannon (Shannon).

With respect to claim 1

Shannon teaches:

A method for providing a receipt to a user comprising:

a) receiving at a host terminal receipt information from a point of sale or self service terminal (see par 33, note that receipt information is retrieved at a mobile device, ATM, or PC);

b) creating an image of a receipt using the receipt information (see par 38, 41-43 and fig 6); and

c) including the receipt image in a periodic customer bank or account statement sent to the user (see par 33, note that the customer receives the receipt via an email to a place of his or her

choice. Note further that this email statement is periodic in so far as the customer chooses the frequency with which he or she performs the email operation).

With respect to claim 2

Shannon teaches:

A method as claimed in claim 1 (see rejection of claim 1 above), further comprising defining a format or layout for the receipt image using a template or form (see par 7, 41 and 43, note that the receipt is stored in an indexed database, contains 14 lines of 20 characters each, is made up of fields, and is generated via formatting protocols. The combined teaching therefore discloses an image template in so far as the formatting or layout of the receipt is dictated by a template consisting of rules dictating line length, which data fields to use and where to place them using formatting protocols).

With respect to claim 3

Shannon teaches:

A method as claimed in claim 2 (see rejection of claim 2 above), further comprising

storing the template or form at the point of sale or self-service terminal (see par 38, note that the receipt is preferably formatted in the same manner as the one generated at the POS terminal, as such, the template is stored on the POS terminal), and

sending the receipt information in or with the template to the host terminal (see par 38, note that the information is extracted from the data sent from the POS terminal which preferably formats the receipt in the same manner, implying that the receipt information is sent in the template by the POS terminal).

With respect to claim 4

Shannon teaches:

A method as claimed in claim 2 (see rejection of claim 2 above), further comprising

storing the template or form at the host terminal (see par 36, note that the transaction data is stored by the customer's bank), and

using the receipt information and the template or form to create the receipt image (see par 38, 39, note that the receipt is recreated).

With respect to claim 5

Shannon teaches:

A method as claimed in claim 4 (see rejection of claim 4 above), wherein a plurality of templates are stored at the host terminal (see par 54 and compare fig 6 and 7, note alternative receipts may be used in different markets).

With respect to claim 6

Shannon teaches:

A method as claimed in claim 5 (see rejection of claim 5 above), further comprising

identifying the receipt issuing party (see par 54 and fig 7, note that the issuing party is printed on the receipt and is identified via header information);

searching for the template associated with that party (see par 54, note that templates are selected based upon the market to which the issuing party belongs and further may be particularly branded based on the information in the header information), and

using the template found to create the receipt image (see par 54, note that the receipt is generated).

With respect to claim 7

See rationale supporting the rejection of claim 1 above

With respect to claim 8

See rationale supporting the rejection of claim 2 above

With respect to claim 9

See rationale supporting the rejection of claim 3 above

With respect to claim 10

See rationale supporting the rejection of claim 4 above

With respect to claim 11

Shannon teaches:

An automated teller machine (ATM) (i.e. device running retrieval application, see par 33) comprising:

an ATM receipt image template (see par 7, 38, 41 and 43, note that the receipt is stored in an indexed database, contains 14 lines of 20 characters each, is made up of fields, and is generated via formatting protocols. The combined teaching therefore discloses an image template in so far as the formatting of the receipt is dictated by a template consisting of rules dictating line length, which data fields to use and where to place them using formatting protocols. Note that template is employed when displaying the receipt for the user at the device running retrieval application);

means for providing ATM transaction information when an ATM customer carries out an ATM transaction (see par 25-26, note that the transaction information is transmitted via the banking network, see also par 7 and 33 teaching providing of the receipt to the user at the device running retrieval application); and

means for sending ATM transaction information to a remote terminal together with or in association with the ATM receipt image template (see par 7, note that the ATM transaction information is sent via the ATM network or Internet to remote terminals including a bank teller and system web portal).

With respect to claim 12

Shannon teaches:

A self-service or point of sales terminal (i.e. merchant's POS terminal, see par 22) comprising:

a receipt image template (see par 7,38, 41 and 43, note that the receipt is stored in an indexed database, contains 14 lines of 20 characters each, is made up of fields, and is generated via formatting protocols. The combined teaching therefore discloses an image template in so far as the formatting of the receipt is dictated by a template consisting of rules dictating line length, which data fields to use and where to place them using formatting protocols. Note further that the receipt is preferably formatted in the same manner as the one of the POS terminal, indicating that the image template is a part of the POS terminal);

means for receiving transaction information (i.e. card reader, see par 23, note that the POS terminal receives transaction in the form of customer's account number via the card reader); and

means for sending the transaction information to a remote terminal together with or in association with the receipt image template (see par 25-26, note that the transaction information is transmitted via the banking network).

With respect to claim 13

Shanon teaches:

A method of operating an automated teller machine (ATM) (i.e. device running retrieval application, see par 33) to provide an ATM customer carrying out an ATM transaction at the ATM with an ATM transactional receipt (i.e. POS transaction, see par 23), the method comprising:

- a) generating receipt information associated with the ATM transaction (see par 25 and 33, note that the customer retrieves receipt information generated by a previous transaction which is associated with the POS transaction. This information is associated with the ATM transaction in so far as the ATM transaction retrieves the receipt information);

- b) creating an image of the ATM transactional receipt based upon the receipt information associated with the ATM transaction (see par 38, 41 and fig 6); and

- c) delivering the image of the ATM transactional receipt to the ATM customer along with a periodic bank statement delivered to the customer at a location other than at the ATM (see par 33, note that the customer receives the receipt via an email to a place of his or her choice. Note further that this email statement is periodic in so far as the customer chooses the frequency with which he or she performs the email operation, see also par 32 suggesting the relationship between the receipts and the monthly statement archives.)

With respect to claim 15

Shannon teaches:

An automated teller machine (ATM) (i.e. device running retrieval application, see par 33) comprising:

means for generating receipt information associated with an ATM transaction carried out by an ATM customer (see par 33, note that customer may retrieve a receipt via on-line bank menu. By choosing the options within these menus, the customer causes the device running the retrieval application to generate by virtue of displaying the receipt image);

means for creating an image of an ATM transactional receipt based upon the receipt information associated with the ATM transaction (see par 38, teaching generating a receipt with the same appearance as other forms of the receipt dispensed at the POS. Note that this image is displayed on the device running the retrieval application (See par 7 and 33))

selecting means for enabling the ATM customer to select a location other than at the ATM at which the image of the ATM transactional receipt is to be provided (see par 7, note that the image of the ATM transaction receipt may be provided at the bank teller or system web portal and are selected by the user in so far as the user chooses to access the receipt at these alternate locations.

See also par 33, teaching that a user may email the receipt to a location of his or her choosing.).

With respect to claim 16

Shannon teaches:

ATM according to claim 11 (see rejection of claim 11 above), in which the ATM prints no receipts for customers (see par 33, note that the retrieval application can be run by a cell phone which is not capable of printing a receipt. Note further that Shannon's grouping of these devices for the same purpose teaches their equivalence to an ATM).

With respect to claim 17

Shannon teaches:

ATM according to claim 11 (see rejection of claim 11 above), in which the ATM contains no printer which prints receipts for customers (see par 33, note that the retrieval application can be run by a cell phone which has no printer. Note further that Shannon's grouping of these devices for the same purpose teaches their equivalence to an ATM).

With respect to claim 20

Shannon teaches:

ATM according to claim 15 (see rejection of claim 15 above), in which the ATM prints no receipts for customers (see par 33, note that the retrieval application can be run by a cell phone which is not capable of printing a

receipt. Note further that Shannon's grouping of these devices for the same purpose teaches their equivalence to an ATM)..

With respect to claim 21

Shannon teaches:

ATM according to claim 15 (see rejection of claim 15 above), in which the ATM contains no printer which prints receipts for customers (see par 33, note that the retrieval application can be run by a cell phone which has no printer. Note further that Shannon's grouping of these devices for the same purpose teaches their equivalence to an ATM).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view of US Patent 5,991,749 to Morrill (Morrill).

With respect to claim 18

Shannon teaches:

A terminal according to claim 12 (see rejection of claim 12 above), but does not explicitly teach in which the terminal prints no receipts for customers.

Morrill teaches:

in which the terminal prints no receipts for customers (see col 3, lines 20-35 and associated examples which suggest the equivalence between a cell phone and a self service or POS terminal in so far as they perform the same functions. Note that a cell phone does not print receipts for customers)

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have substituted the POS terminal of Shannon with the cell phone of Morrill in order to purchase a good or service by transferring funds as taught explicitly by Morrill (see col 2, lines 18-32). One of ordinary skill in the art at the time of Applicant's invention would have a reasonable expectation of success based on the disclosure within Morrill teaching the cell phone performing the functions of a POS or self-service terminal.

With respect to claim 19

Shannon in view of Morrill teaches:

A terminal according to claim 12 (see rejection of claim 12 above), in which the terminal contains no printer which prints receipts for customers. (see Morrill col 3, lines 20-35 and associated examples which suggest the equivalence between a cell phone and a self service or POS terminal.

Note that a cell phone does not contain a printer)

(see rationale supporting obviousness and motivation to combine of claim 18 above)

Response to Arguments

8. Applicant's arguments filed 2/19/2008 have been fully considered but they are not persuasive.

With respect to Applicant's argument that the POS in Shannon does not contain the "means" of claim 15, Examiner respectfully disagrees. With respect to:

Means for generating receipt information

Shannon teaches at par 33 that customer may retrieve a receipt via on-line bank menu. By choosing the options within these menus, the customer causes the device running the retrieval application to generate.

Note that this generation results in a display of the receipt image. Note that this display generation means is within the device running the retrieval application.

Means for creating an image

Shannon teaches at paragraph 38, generating a receipt with the same appearance as other forms of the receipt dispensed at the POS. Note that this image is displayed on the device running the retrieval application (See par 33). Note that this display means is within the device running the retrieval application.

Means for selecting

Shannon teaches at paragraph 7 that the image of the ATM transaction receipt may be provided at the bank teller or system web portal and are selected by the user in so far as the user chooses to access the receipt at these alternate locations. At paragraph 33, Shannon teaches that a user may email the receipt to a location of his or her choosing. Note that this selection means is within the device running the retrieval application.

With respect to Applicant's argument that the Office Action has not shown the corresponding subject matter of Applicant's Specification as per the requirement under 35 USC 112 6th paragraph, Examiner respectfully disagrees. Applicant's Specification fails to clearly identify particular structures that are referred to by the "means for" plus function recitation. As evidence of this, the phrase "means for" does not appear within the Specification indicating that no identification of the particular structures have been made direct in relation to the "means for" plus function language. As a further example, it is not clear whether the means for creating an image is the template, the processor of the ATM, the display of the ATM, a software module, or some other structure. Similar

examples exist for the other 'means for' limitations. See also the rejection of claims 7-10, 11, 15-17, 12, and 18-21 under 35 USC 112 2nd paragraph above.

In response to Applicant's request that the Office Specifically identify the "template". Examiner identifies the "template" as the formatting of the receipt is dictated by a template consisting of rules dictating line length, which data fields to use and where to place them using formatting protocols as described in detail at Shannon, par 41-42 and the customization, based on header information taught by Shannon at par 54-55 and displayed in Fig 6-7.

With respect to Applicant's argument that the Office Action has not explained how Shannon's POS qualifies as an ATM, Examiner submits that no such equivalence is drawn. Instead, Examiner maps the POS of Applicant's Disclosure to the POS of Shannon described, at least, at par 23. Examiner also maps the ATM of Applicant's Disclosure to the devices running the retrieval application (including ATMs, mobile devices, etc) of Shannon described, at least, at par 33.

9. Applicant's arguments with respect to the Spero reference have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication 2003/0111526 for Smith teaching the substitution of an ATM for a POS terminal.

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694